

# BOBBY STUMP GIBSON V GOLDSTON

March 01, 2022

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IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

MATTHEW GIBSON,

Plaintiff,

vs.

CIVIL ACTION NO.  
5:21-cv-00181

LOUISE E. GOLDSTON, Individually,  
COUNTY COMMISSION OF RALEIGH  
COUNTY, a political subdivision,  
JEFF MCPEAKE, Individually,  
BRIAN WHITE, Individually,  
BOBBY STUMP, Individually,  
KYLE LUSK, Individually,

## Defendants.

Deposition of BOBBY STUMP taken by the Plaintiff under the Federal Rules of Civil Procedure in the above-entitled action, pursuant to notice, before Bradford L. Cooper, a Notary Public, at Pullin, Fowler, Flanagan, Brown, and Poe, PLLC, 252 George Street, Beckley, West Virginia, on the 1st day of March, 2022.

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1 APPEARANCES:

2 APPEARING FOR THE PLAINTIFF:

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7 APPEARING FOR THE DEFENDANTS STUMP, MCPEAKE, AND  
8 WHITE:

9 Kevin J. Robinson, Esquire  
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AND POE, PLLC  
11 252 George Street  
Beckley, West Virginia 25801

12 APPEARING FOR THE DEFENDANT, LOUISE E. GOLDSTON:

13 Jennifer E. Tully, Esquire  
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17 APPEARING FOR THE SUPREME COURT OF APPEALS OF WEST  
VIRGINIA:

18 Bradley Schmalzer, Esquire (via telephone)  
19 Julianne Wisman, Esquire (via telephone)

20 ALSO PRESENT:

21 Louise Goldston, Defendant  
22 Matthew Gibson, Plaintiff  
23 J.R. Morgan

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## PROCEDING S

9                   This case is venued in the United  
10                   States District Court for the Southern District of  
11                   West Virginia at Beckley, being Civil Action No.  
12                   5:21-cv-00181.

13 My name is Brad Cooper on behalf of  
14 Realtime Reporters, located at 713 Lee Street in  
15 Charleston, West Virginia. I am your court  
16 reporter and a Notary Public.

17 At this time, would counsel please  
18 state their appearances and whom they represent and  
19 then I'll swear in the witness.

20 MR. ROBINSON: Kevin Robinson on  
21 behalf of Defendants Stump, White, and McPeake

22 MS. TULLY: Jennifer Tully on behalf  
23 of Defendant Judge Louise Goldston.

24 MR. BRYAN: John Bryan on behalf of

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1 the Plaintiff, Matthew Gibson.

2 MR. SCHMALZER: Bradley Schmalzer and  
3 Julianne Wisman with the Supreme Court of Appeals  
4 of West Virginia.

5 (The witness was sworn.)

6 B O B B Y   S T U M P

7 was called as a witness by the Plaintiff, pursuant  
8 to notice, and having been first duly sworn,  
9 testified as follows:

10 EXAMINATION

11 BY MR. BRYAN:

12 Q. Please state your name.

13 A. Bobby Stump.

14 Q. And how are you employed?

15 A. Raleigh County Sheriff's Office.

16 Q. And you're still employed there?

17 A. Correct.

18 Q. As a sworn law enforcement officer?

19 A. Correct.

20 Q. A deputy, basically?

21 A. Correct.

22 Q. And what sort of work do you do right now?

23 A. I'm a sergeant. I'm a supervisor and I'm  
24 in charge of the K-9 Narcotic and Apprehension.

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1 K-9s.

2 Q. And for the record, you were in the room  
3 for the deposition of Judge Goldston here this  
4 morning?

5 A. Correct.

6 Q. And you listened to the questioning and the  
7 answer session that took place in that deposition?

8 A. Correct.

9 Q. So at some point, as Judge Goldston  
10 testified, you had served as her bailiff.

11 A. Correct.

12 Q. Do you recall how many years?

13 A. Ten-ish. Around ten, give or take a little  
14 bit.

15 Q. And when did you -- when did you last work  
16 as a bailiff for Judge Goldston?

17 A. I'm not for sure. Three or four years ago.  
18 I'm not for sure.

19 Q. She testified that you had been present  
20 with her on at least one prior visit to the home of  
21 a litigant. Do you recall that?

22 A. Numerous times I've been with Judge  
23 Goldston. Yes.

24 Q. Okay. So numerous times you have gone with

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1 Judge Goldston to the homes of litigants?

2 A. Correct.

3 Q. In cases presiding in front of her.

4 A. Correct.

5 Q. Do you have any estimation about how many  
6 times?

7 A. I was Judge Goldston's primary bailiff for  
8 ten years but I also worked with Judge Lazenby,  
9 Judge McGraw, Judge Shuck, and numerous other  
10 judges that filled in, so -- and all the judges  
11 have sent me to homes to get children, four-  
12 wheelers, vehicles throughout; over 1,000 divorces.

13 So there's no possible way to put my finger  
14 on how many. It'd be total speculation.

15 Q. All right. Well, we're talking about a  
16 judge personally going somewhere, not ordering a  
17 deputy to go somewhere.

18 A. Correct.

19 Q. How many prior occasions, to your  
20 recollection, did you, personally, go with or  
21 observe a judge go into the home of a litigant?

22 A. There's no way I could -- over thousands of  
23 divorce cases, I don't remember the litigants'  
24 names. There's no way I could give you an accurate

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1 number. I mean, I have no idea.

2 Q. Did you ever go to the home of a litigant  
3 with any judge other than Judge Goldston?

4 A. I'm thinking yes but I -- there again --  
5 and over ten years, I've done so many things of  
6 being a bailiff in Family Court and been to so many  
7 jury views through Circuit Court that, you know,  
8 it'd be speculation for me to guess.

9 Q. Well, I'm not asking you about jury views  
10 in Circuit Court.

11 A. I understand that.

12 Q. That's not what we're here about today.  
13 I'm talking about you working as a bailiff in  
14 Family Court.

15 A. Exactly. Yeah. I understand and I'm  
16 telling you that with the numerous family court  
17 judges that I worked with, yes, it's a possibility  
18 but I can't remember if it's -- you know, if it was  
19 just Judge Goldston every time or other judges.  
20 I'm not 100-percent sure if I went with any other  
21 judges.

22 Q. Well, you remember, for a fact, that you  
23 went to -- went with Judge Goldston on one of these  
24 visits.

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1 A. Numerous. Yes.

2 Q. But you can't recall for a fact the  
3 identification of any other judge that you went to  
4 the home of a litigant personally with?

5 A. I can't think of anything off the top of my  
6 head but I am not saying that I have not been to a  
7 home with another judge because that's a very  
8 distinct possibility.

9 Q. Did you -- did you ever serve as a bailiff  
10 for Judge Shuck?

11 A. Yes.

12 Q. And did you ever -- do you recall ever  
13 going with Judge Shuck to the home of a litigant?

14 A. Not off the top of my head but it's a  
15 distinct possibility that I could have. But, there  
16 again, I've set through thousands of these hearings  
17 so I don't remember exactly if I have or not but  
18 there's a possibility I have.

19 Q. All right. What is your job description  
20 when you're serving as a bailiff?

21 A. My only job description, which is how I  
22 trained all the people that worked under me, is the  
23 three rules of being a bailiff: Safety, safety,  
24 safety. And that's the judge's safety.

1                   That's my only -- of course, keeping  
2 control of the courtroom but my No. 1, No. 2, and  
3 No. 3 top rules was the judge's safety and I took  
4 pride in that, and that's my No. 1 goal and what I  
5 teach everyone is the judge's safety.

6                   Q. Okay. So your No. 1 priority when you're  
7 serving as a bailiff is to protect the physical  
8 safety of the judge.

9                   A. Correct.

10                  Q. And, in fact, you not only have served as a  
11 bailiff for a long time but you had trained other  
12 law enforcement officers to work as a bailiff.

13                  A. Correct. I was the stable for 10-ish  
14 years. I was the stable one there. They would  
15 send me new ones every six months, a year, two  
16 years. I went through a plethora of different  
17 deputies and civilians that were bailiffs. So I  
18 was the stable there for many years.

19                  Q. And do you recall giving other bailiffs or  
20 trainees any sort of instructions or guidance on  
21 traveling to the home of a -- of a litigant?

22                  A. Pretty simple. If the judge tells you to  
23 do it, you do it and you don't ask questions.

24                  Q. So if there's -- say if there's a variance

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1 between your policies or your rules as a deputy and  
2 what the judge tells you to do, who -- I mean, who  
3 wins?

4 A. The judge always wins. The judge is the  
5 boss. The judge is the supervisor. Whatever the  
6 judge says, you do.

7 Q. Okay. So if the -- if the -- if your  
8 supervisor, your sheriff at the Sheriff's  
9 Department, tells you not to go with the judge  
10 somewhere and the judge tells you to go with her  
11 somewhere, you listen to the judge?

12 A. Hypothetically, if the sheriff come and  
13 said, "Don't do this," then the judge would -- any  
14 judge would never put me in that situation.

15 But the sheriff, when you're a bailiff, the  
16 first thing to do -- one of the first things they  
17 tell you is to do what the judge tells you, you're  
18 in -- the judge is your boss.

19 So from every sheriff I've ever worked with  
20 - there's been three or four - that, you know, the  
21 judge is -- the judge is the one in charge.

22 Q. But your employer, technically, at all  
23 times, was the Raleigh County Sheriff's Office.

24 A. Correct.

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1 Q. Is it Office or Department?

2 A. Whichever. It's about 50/50, really.

3 Q. So you follow the judge's instructions but  
4 she's not your employer, the Sheriff's Department  
5 is.

6 A. Yes. The Sheriff's Office is the one that  
7 signs my paycheck. Yes. But I work for the judge,  
8 no matter which judge it is.

9 Q. Do you recall having any conversations with  
10 Judge Goldston about going to the homes of  
11 litigants in cases before her?

12 A. Yes. Yes. Numerous. Like I said, we've  
13 been there numerous times.

14 Q. What types of conversations?

15 A. We're going -- well, I would be in the  
16 hearing so I would know that we were going to the  
17 home and, really, when I say conversations, I don't  
18 want to sound arrogant but Judge Goldston and I  
19 didn't have to have conversations in the courtroom,  
20 we didn't have to have conversations at  
21 Mr. Gibson's house because she knew I would do my  
22 job and I knew what to do.

23 And she didn't have to have conversations  
24 and instruct me because I would have it done before

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1 she even thought about it and she knew that. We  
2 worked very, very, very, very well together.

3 Q. So you -- it sounds like you -- you did  
4 more than just ensure her physical safety. You  
5 helped her with other things.

6 A. That is very safe to say. Yes, sir.

7 Numerous things. Yes. We've been through a lot.

8 Q. So when -- when she would go to the home of  
9 a litigant, you would drive her there?

10 A. Yes. She always rode with me.

11 Q. And you had, like, a police cruiser?

12 A. Correct.

13 Q. That would say Raleigh County Sheriff's  
14 Department on it?

15 A. Correct. Most of the time it was a marked  
16 cruiser. Correct.

17 Q. Okay. And then you would be in uniform?

18 A. Correct.

19 Q. And did you have arrest powers and a gun?

20 A. I've always -- yes, sir. Ever since I was  
21 sworn in, I've had arrest powers and a gun.

22 Q. Do you recall ever actually arresting  
23 somebody when you were with Judge Goldston?

24 A. I've arrested dozens of people when I was

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1 with Judge Goldston. What are you referring to as  
2 being with -- I mean I've arrested people out of  
3 the courtroom, in the hallway. I mean, I've  
4 arrested dozens and dozens and dozens of people  
5 with Ms. Goldston.

6 Q. Okay. What about at the home -- at  
7 somebody's house?

8 At the home of a litigant, do you recall  
9 ever making an arrest?

10 A. No. But, there again, in ten years with  
11 thousands of cases in the ten years, hundreds of  
12 arrest, you know, it's hard to recall every time  
13 I've arrested someone.

14 Q. Have you ever observed Judge Goldston in  
15 somebody's house actually searching for items of  
16 personal property?

17 A. No. No. When --

18 Q. What --

19 A. I'm sorry.

20 Q. What was she generally doing when you -- I  
21 mean, you -- well, let me back that up to be fair.

22 Have you ever observed Judge Goldston  
23 actually in somebody's house?

24 A. Yes. We've been there. Yes.

1       Q. All right. So, to your recollection, what  
2 was -- what was the judge doing inside these homes?

3       A. I was most -- when I went, I would be the  
4 organizer and we would have the list and there'd  
5 mostly be, you know, attorneys on each side or  
6 sometimes they would be pro se -- very rarely.

7           And I would have the list and it was  
8 equitable distribution, which has already been  
9 worked out in court. And it'd say, hey, the wife  
10 gets this, the husband gets this, and I would have  
11 the list and I would say, "Okay. I found the  
12 chainsaw," and the wife would get the chainsaw. I  
13 found the dishes and the husband would get the  
14 dishes.

15           So I was the one that usually orchestrated  
16 -- I didn't orchestrate that. Judge Goldston  
17 always orchestrated everything but I would be the  
18 one that would have the list and mark it off and  
19 let her know that I -- or that the litigant had  
20 found whatever they were looking for.

21       Q. Well, you said that you found. It sounds  
22 like you were saying that you were actually finding  
23 these items.

24       A. No. I would have the list and the litigant

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1 would looked for whatever was on the list and I  
2 would mark it on the list, and I would usually keep  
3 track of that.

4 Q. Okay. Did you ever actually do any of the  
5 looking for items yourself?

6 A. Yes. Numerous times. All the judges sent  
7 me out to look for items. In the middle of a court  
8 hearing they would send me out to look for items at  
9 a home. I mean, in the middle of court hearings  
10 I've been sent out of the hearing to go get kids in  
11 in the middle of the hearing, to look for kids, to  
12 track down kids. That's happened dozens of times.

13 So, yes, I've looked for items right in the  
14 middle of a court hearing to be sent to someone's  
15 home.

16 Q. Have you ever observed Judge Goldston  
17 actually looking for items inside someone's house?

18 A. No. She was the organizer of the hearings  
19 and in charge of the hearings.

20 Q. What does that mean?

21 A. It means usually she would sit with the two  
22 attorneys and I would be with the litigants, and I  
23 would have a list, the attorney would have a list  
24 -- both attorneys and the judge would have a list,

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1 and they would say he gets this, she gets that, and  
2 I would make sure that when they found something,  
3 that, "Hey, they found this," and mark it off the  
4 list, and I would report it to the judge and report  
5 it to both attorneys.

6 Q. Did you ever film or record?

7 A. I would never do that.

8 Q. Did you ever -- do you ever recall that  
9 coming up? Like anyone trying to or asking to or  
10 --

11 A. I would not have let that happen.

12 Q. Why not?

13 A. Because the judge is the only one that  
14 records a hearing. That's -- that's a big no-no  
15 and that's just not something that I would've  
16 treaded on.

17 Q. So did the judge record any of those  
18 so-called hearings?

19 A. Not that I'm aware of. There was really no  
20 way to record hearings because the only way we  
21 could do it was on the video in the courtroom.

22 Q. Okay. And did anyone have cellphones?

23 A. Correct. Yes.

24 Q. But they -- they -- you're saying they

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1 couldn't have used their cellphones to record?

2 A. I'm sure they could've but if I seen  
3 someone doing that - an attorney or anyone else  
4 besides the judge - I would've took their cellphone  
5 immediately.

6 Q. You didn't -- you didn't hear the judge  
7 allow it?

8 A. No. We didn't even have to speak about  
9 that because I knew that wasn't allowed, since day  
10 one, so that was a big thing. We even had people  
11 in our courtrooms trying to -- at different times  
12 trying to record the hearings when judges -- one of  
13 the judges was having hearings and I would take  
14 their phones.

15 So, no, that was a basic 101. No  
16 recordings allowed.

17 Q. But those hearings were recorded already.

18 A. From the judge. Correct. The judge is the  
19 only one that can record hearings.

20 Q. But when these hearings went to inside  
21 people's houses, no recordings were being made, to  
22 your recollection.

23 A. Not to -- no. Not to my knowledge.

24 Q. There was no court reporter there or

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1 anything like that.

2 A. In Family Court, we've never had a court  
3 reporter.

4 Q. Did you train Bailiff McPeake?

5 A. No. When I left the Family Court, he was  
6 hired under grant money as a retired Beckley city  
7 officer, so I did not train McPeake.

8 Q. So when he came on, do you know -- I mean,  
9 would there have been some sort of written handbook  
10 or anything like that?

11 A. No. No. He would've shadowed another  
12 deputy -- another bailiff, and that bailiff  
13 would've trained him, just like I had done numerous  
14 times before.

15 Q. Did you ever have any conversations with  
16 Deputy -- or -- yeah -- Deputy McPeake about  
17 working as a bailiff?

18 A. Yeah. I called him when he got the job and  
19 congratulated him and told him what I thought of  
20 Judge Goldston and what I expected of him, and  
21 that, you know, he needs to take good care of her.

22 So, absolutely. Everybody she had after  
23 me, I'd always call and give them the same speech.  
24 I never told her that but, you know, that was just

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1 me.

2 Q. And did you ever have any discussions with  
3 McPeake about the judge going out to people's  
4 homes?

5 A. No. I didn't train him. If I trained him,  
6 I would have.

7 Q. And what would you have said?

8 A. If the judge says go, go. You don't call a  
9 supervisor. You don't do anything. The judge is  
10 in charge. And, I mean, I would have done things a  
11 whole lot differently than McPeake did. I'm not  
12 casting stones at McPeake but half of this wouldn't  
13 have been an issue if I would've been the bailiff.

14 Q. Okay. What do you mean? What would you  
15 have done differently?

16 A. When we arrived, Judge Goldston knows when  
17 I was there, I wouldn't have let her out of the car  
18 until I secured the area. No one would be out of  
19 their vehicles until I secured the area. I  
20 would've gotten rid of every single person there,  
21 except for Mister -- your -- the Defendant and his  
22 wife -- or the Plaintiff and his wife, and that  
23 would've been the only two people there besides the  
24 attorneys.

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1           I would not have allowed -- the second I  
2 arrived on scene, I evacuate everybody because the  
3 first three rules: Safety, safety, safety of the  
4 judge.

5           Q. Well, the judge just testified earlier that  
6 she didn't feel that her physical safety was  
7 compromised on March 4th, 2020. So what was the  
8 problem with how Deputy McPeake handled it?

9           MR. ROBINSON: Object to the form.

10          You can go ahead and answer.

11          A. I'm not saying there was a problem. I'm  
12 not trying to throw stones at Deputy McPeake. I  
13 would have just handled it differently and Judge  
14 Goldston knows I would've handled it differently.

15          For the safety of the judge, I can only  
16 keep my eyes on so many people, so I would not have  
17 allowed anyone there and when Mr. Gibson's attitude  
18 with his sense of anger, I would have pulled him to  
19 the side and took care of that well before he ever  
20 approached the judge. He would not have been  
21 allowed to approach the judge at all until I made  
22 sure he was calm.

23          Q. Okay. Now, you weren't -- you didn't  
24 witness -- what you're telling me about right now,

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1 you were not there to witness. Correct?

2 A. Oh, I witnessed his anger. Certainly I  
3 did. As soon as I walked in the door of the house,  
4 he come straight to me.

5 Q. Of his house.

6 A. Of his house. Correct.

7 Q. Okay. You weren't there. You're telling  
8 that you wouldn't have let Mr. Gibson approach the  
9 judge.

10 A. No, sir.

11 Q. You weren't there when he first approached  
12 the judge in his front yard.

13 A. No, sir. I was not.

14 Q. Just make sure you let me finish the  
15 question --

16 A. Yes, sir.

17 Q. -- and I'll give you time to answer  
18 because, remember, there's a court reporter.

19 A. Yes, sir.

20 Q. So what you're telling me about and your,  
21 sort of, critique of Deputy McPeake, this is based  
22 on the video footage?

23 A. Video footage and all that I've learned and  
24 investigated through what had happened. And I'm

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1 not critiquing Deputy McPeake. I'm just stating I  
2 would have done things a little different.

3 Q. All right. So when you watched the video  
4 footage that showed Mr. Gibson approach the judge  
5 as we see on the video, which you've seen, you  
6 wouldn't have allowed that to happen. You wouldn't  
7 have allowed Mr. Gibson to approach Judge Goldston.

8 A. Not in that matter, no, I wouldn't have.  
9 I've arrested people in the courtroom and took them  
10 down for a lot lesser approaching the judges of  
11 standing up in your chair and -- you know, in the  
12 middle of the courtroom and I just -- I would not  
13 have let that happen.

14 Q. But they weren't in a courtroom. They were  
15 in Mr. Gibson's front yard. Correct?

16 A. Correct. Yes, sir.

17 Q. Okay. So you think that Mr. Gibson never  
18 should have approached the judge in the first  
19 place?

20 A. I didn't say that. I said if I'd have been  
21 there, he wouldn't have approached the judge in  
22 that manner.

23 Q. Okay. And what else -- what else would be  
24 different if you were the bailiff instead of

1 McPeake?

2 A. I would've secured the scene before anyone  
3 got out of the vehicle and, like I said, there  
4 would only have been four people there - five  
5 people, counting me.

6 Q. "Secure the scene." What does that mean?

7 A. Secure the scene meaning all the people  
8 that were there - the correctional officers, prison  
9 guards that were there on his behalf, the  
10 girlfriend that was there, the Payne family that  
11 was there -- they, before the judge got out of the  
12 vehicle, they would have been forced to leave, and  
13 the only people on that property when my judge got  
14 out of the vehicle, no matter who it was -  
15 especially Judge Goldston - would have been the  
16 judge, the attorney, the husband and wife, and the  
17 bailiff.

18 Q. And how would that have changed things?

19 A. How would it have changed things not having  
20 8 or 10 people there arguing and just having the  
21 Plaintiff and the Defendant there? Is that what  
22 you're asking me?

23 Because I wouldn't have had to keep an eye  
24 on two prison guards that were there on your -- on

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1 his behalf, and then I wouldn't have to keep an eye  
2 on the Payne family that was there on their  
3 daughter's and their sister's behalf, and watching  
4 all these people. I could have focused on my judge  
5 and my judge only, with the attorney and the two  
6 litigants. That's how that would have been.

7 Q. And how would that -- how would that have  
8 -- how would that have changed the result of what  
9 happened that day?

10 A. I didn't say -- you asked me how it would  
11 have changed the result of her safety. That's what  
12 I took it as. I have nothing to do with the result  
13 of the hearing. I don't care about the results of  
14 hearings. I care about my judge's safety.

15 Q. Well, there was no safety problem, was  
16 there?

17 MR. ROBINSON: Object to the form.  
18 You can answer.

19 A. Yes. In my opinion, there was.

20 Q. All right. What was the safety problem?

21 A. When I got there, the judge being  
22 surrounded by people that didn't have no business  
23 being in a hearing and your client's attitude --  
24 forthcoming attitude, approaching the judge in her

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1 comfort judge, in my comfort zone, that, if I  
2 would've been in charge, there wouldn't have been o  
3 one invading her private zone or approaching her in  
4 the way he did.

5 Q. All right. Well, let's separate what you  
6 saw on the video with what you actually observed  
7 that day.

8 A. Okay.

9 Q. All right? Because I know you showed up at  
10 some point.

11 A. Correct.

12 Q. So I don't want to conflate those two  
13 things.

14 A. Yes, sir.

15 Q. And we'll get to -- we'll get to what you  
16 observed when you got there but, to be clear, it  
17 sounds like you're saying to me that had you been  
18 the bailiff rather than McPeake, there wouldn't  
19 have ever been this video showing Mr. Gibson  
20 confronting the judge in his front yard and asking  
21 for a search warrant.

22 MR. ROBINSON: Object to the form. If  
23 you understand the question.

24 Q. Do you understand what I'm saying?

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1 A. No clue.

2 Q. Let me rephrase that. The judge said she  
3 didn't think there was a safety problem there. You  
4 sound like, in my words, you were being critical of  
5 her bailiff for how it went down.

6 My take on what you're saying is that had  
7 you been that bailiff, we'd never have this video  
8 showing Mr. Gibson confronting the judge about  
9 going inside his house.

10 MR. ROBINSON: My question is: Are  
11 you asking him whether or not Mr. Gibson would have  
12 confronted Judge Goldston or whether or not there  
13 would have actually been a video being taken?  
14 That's my objection to the form of it.

15 MR. BRYAN: Yeah. All right. Well,  
16 fair enough.

17 BY MR. BRYAN:

18 Q. When you watched -- let me back that up  
19 some. When you watched the video showing what  
20 happened in the front yard, you didn't like what  
21 you saw, did you?

22 A. No. At to be a little more -- break it  
23 down a little bit more, I wouldn't even let my  
24 judge walk out into the waiting room or to the

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1 other courthouse without me. When she was in that  
2 courthouse - courtroom - she wasn't -- and she'll  
3 tell you this -- she wasn't -- I would freak out if  
4 she would just walk in the waiting room to talk to  
5 an attorney.

6 So I went overboard a little bit when it  
7 come to protecting my judges but I had zero  
8 instances where she was ever in danger. So I'm not  
9 critiquing McPeake and saying he did anything  
10 wrong. I'm just saying I would have done things  
11 differently for the safety of my judge.

12 Q. So perhaps this is a better way to ask what  
13 I'm trying to ask here.

14 Had you been the bailiff, it sounds to me  
15 like we wouldn't have any video footage of -- let  
16 me finish -- we wouldn't have any video footage of  
17 Mr. Gibson going up to the judge and asking her to  
18 recuse herself.

19 MR. ROBINSON: Object to the form but  
20 you may answer it.

21 A. That would've been the first thing I'd done  
22 is secure the cellphones and make sure nobody was  
23 recording, and she wouldn't have had to told me  
24 that she knows she wouldn't have had to told me

1 that because that's how we conducted all of our  
2 hearings.

3 So, yes, the first thing I'd have done is  
4 take all the cellphones and make sure nobody was  
5 recording before anyone ever even got out of their  
6 vehicle.

7 Q. In which case, even the Supreme Court,  
8 nobody would be able to look at any sort of  
9 recording, any sort of video footage, in order to  
10 see what happened that day and what didn't happen.

11 A. I guess if there's no recording, no one  
12 could look at a recording. I mean, if they didn't  
13 record, they couldn't look at the recording that  
14 wasn't recorded.

15 Q. And that's how you would've done it?

16 A. Correct. Yes, sir.

17 Q. And that's how you did it in the past as  
18 bailiff for Judge Goldston?

19 A. That's how I did it in every single hearing  
20 I've ever been in with Judge Goldston and every  
21 Family Court judge.

22 Q. So all those prior visits to the homes of  
23 litigants that you went with Judge Goldston to,  
24 there are -- there's no recordings that anyone

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1 could look at, including disciplinary authorities  
2 or the Supreme Court or whomever, to see what  
3 happened or what did not happen?

4 MR. ROBINSON: Object to the form.  
5 Also, lacks the proper foundation as you have not  
6 asked him whether or not anybody ever tried to  
7 record other hearings.

8 You understand why I'm objecting your  
9 form? I'm not understanding what your questions --

10 MR. BRYAN: I understand. You're  
11 keeping me -- you're keeping me logical here.

12 MR. ROBINSON: Okay.

13 MR. BRYAN: Let me back it up.

14 MR. ROBINSON: Can you understand me  
15 with that mask on?

16 COURT REPORTER: Sure.

17 MR. ROBINSON: Okay. Just wanted to  
18 make sure.

19 BY MR. BRYAN:

20 Q. During the -- during the time period in  
21 which you served with -- for Judge Goldston --

22 A. Yes, sir.

23 Q. -- during these home visits that you've  
24 testified about, there were no recordings

1 documenting what happened during those home visits.

2 A. To my knowledge, there was no recordings.

3 Q. And, in fact, it was your -- your policy,  
4 your practice, to make sure that there were no  
5 recordings.

6 A. It was not my policy. It was the Family  
7 Court rules policy and Judge Staton informed me of  
8 that Day 1 -- I'm sorry -- forgive me. Judge  
9 Goldston --

10 MS. GOLDSTON: You used to be right.

11 A. -- informed me, you know, that was Bailiff  
12 101. So it wasn't my policy. It was the Family  
13 Court's policy. So, therefore, it was their  
14 policy. I was going to enforce whatever policy any  
15 of my judges told me. No questions asked.

16 Q. But the Family Court's policy is that the  
17 hearings are recorded.

18 A. Correct. By the judge and the judge only.

19 Q. Okay. And you knew that these other  
20 visits, that the judge was not recording them?

21 A. I didn't physically see her recording them  
22 but I never asked her, "Hey, are you recording this  
23 hearing?" Because I would never question a judge.

24 Q. Did you -- did you ever -- well, let me ask

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1 you first: During the period of time in which you  
2 served as a bailiff for Judge Goldston, did you  
3 have a supervisor or were you basically your own  
4 supervisor?

5 A. I was usually the second in charge but,  
6 yeah, I usually had a supervisor.

7 Q. Who was that?

8 A. Let's see. Skee Barley. Jimmy Miller.

9 Q. Well, rather than going through them --

10 A. I mean, I just -- I've had so many  
11 different --

12 Q. Hang on. Rather than going through all  
13 those, do you recall ever having any conversations  
14 with any of your supervisors about what you should  
15 or shouldn't do on these home visits with the  
16 judge?

17 A. No. It was none of their business what I  
18 was doing. If the judge told me to do it, I was  
19 doing it. I didn't care. I mean, if they told me  
20 not to do it, I'd have done it anyway if the judge  
21 directed me to, and she knows that and all my other  
22 judges know that. I work for the judge.

23 Q. So what do you recall of that, as far as  
24 your own personal involvement, on March 4th, 2020?

1 A. Is that the date of the hearing?

2 Q. Yes.

3 A. I was road patrol supervisor and I usually  
4 do not get dispatched to 911 calls. Usually,  
5 whoever is working with me that day gets dispatched  
6 and I just kind of organize them going to calls.

7 So I don't think I was dispatched but  
8 either one of my guys was dispatched or I was  
9 dispatched to assist on a -- from a Family Court  
10 judge. So the 911 dispatcher come over the radio  
11 and said that the officer wanted some backup, so I  
12 went. I keyed up the radio and I think -- and  
13 Corporal White keyed up the radio and said we was  
14 on our way, and I think I was the closest one so I  
15 beat everybody there.

16 But I was going to back up the officer. At  
17 the time, I had no clue it was Judge Goldston until  
18 I arrived on scene.

19 Q. And when you arrived on scene, what did you  
20 observe?

21 A. Numerous people in the road, numerous  
22 people in the driveway, and as soon as I got on the  
23 scene I knew that I was going to clear the crowd  
24 out. So I walked in and, as soon as I walked in,

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1 Mr. Gibson approached me and I was just -- "Hey,  
2 hold on."

3 And he was just complaining that they were  
4 there -- that everyone was there. So I went  
5 directly to Judge Goldston and I said, "I don't  
6 feel comfortable with the environment and  
7 everyone's here. I'm going to start clearing out  
8 people and make everyone leave."

9 And she goes, "I didn't even think about  
10 that. I'm sorry."

11 And I was like, "Well, I'm going to do  
12 that."

13 So I went outside and had everyone leave,  
14 and then I went back inside and stood beside the  
15 judge for the rest of the time.

16 Q. So when you first got there, you went  
17 straight in the house?

18 A. Yes. Well, I mean, I looked at everyone  
19 and, you know, made sure nobody was armed or  
20 anything like that, nothing obvious, and then I  
21 walked into the garage and I think Mrs. Gibson had  
22 the chainsaw in her hand, and she was making a trip  
23 down to her family, down to their vehicle. Her  
24 brother was there, meeting him halfway to get the

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1 chainsaw.

2                   And then I walked on in to another little  
3 foyer and that's where Mr. Gibson approached me and  
4 I seen the judge and Officer McPeake and Kyle Lusk.

5                   Q. At what point did you understand what was  
6 going on there?

7                   A. When I went in and spoke to Judge Goldston.

8                   Q. As far as getting called there, there was  
9 no 911 call by anybody, right?

10                  A. 911 call? I don't understand.

11                  Q. Nobody had called 911 asking for police to  
12 arrive at that residence.

13                  A. I have no idea whether Officer McPeake  
14 called 911 or whether he -- I know he -- he had to  
15 have called 911. Yes. Officer McPeake called 911  
16 because I remember him stating that he couldn't  
17 figure out how to switch his radio, the band, from  
18 the bailiff band to the 911 frequency.

19                  So, yes, I'm sure Officer McPeake called  
20 911.

21                  Q. Do you recall what he communicated?

22                  A. No. I didn't speak to him about it. It  
23 was just dispatched that an officer needed backup  
24 on a Family Court hearing, so that's what I --

1 that's what I responded to.

2 Q. Okay. So you don't recall any more  
3 information other than that?

4 A. There could've been. No. I mean, when you  
5 hear the words "officer needs backup", you don't  
6 really -- you go, no matter what. So, I mean, if  
7 there was more info, I didn't really listen. I  
8 just turned the blue lights on and went.

9 Q. So at the time that you arrived, you didn't  
10 -- you didn't hear any allegations or receive any  
11 allegations that any individual had committed any  
12 criminal act?

13 A. No.

14 Q. All you -- all you knew was that another  
15 police officer had asked for backup?

16 A. Correct.

17 Q. At a Family Court hearing.

18 A. Correct.

19 Q. And when you arrived there, you saw people  
20 outside the house.

21 A. Correct. I was familiar with everyone  
22 there.

23 Q. You were familiar?

24 A. Yeah. Yes, sir.

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1 Q. Had -- how were you familiar with everyone  
2 there?

3 A. With every person on scene?

4 Q. Well, let me ask you: Did you know whose  
5 house this was?

6 A. No.

7 Q. Okay. How were you familiar with all the  
8 people at the scene?

9 A. Well, because when I pulled up I seen  
10 Mr. Payne.

11 You want me to go into detail of how I know  
12 all these people?

13 I mean, I will. I'm just asking you if you  
14 want me to tell how I knew each person.

15 Q. Every person outside, you had some sort of  
16 preexisting relationship, it sounds like.

17 A. Correct. Everyone except for the new  
18 girlfriend.

19 Q. All right. Well, did you put 2 and 2  
20 together while you were there or what was going on?

21 A. I didn't. I didn't speak to the Paynes  
22 until I got in the garage and I seen Carrie Gibson-  
23 Payne -- Carrie Payne-Gibson -- and she said that  
24 they were here to split their assets, and I said,

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1 "Oh okay."

2 So that's when I walked inside and that's  
3 when I seen Mr. Gibson approach me. And then  
4 that's when I went and spoke to Judge Goldston and  
5 she informed me what was going on.

6 Q. All right. Did you know Matt Gibson prior  
7 to this?

8 A. Yes and no. I mean, yes, but I -- we  
9 weren't buddies or anything. I mean, we're polar  
10 opposites.

11 Q. You knew his ex?

12 A. I knew of her. I was friends with her  
13 brother in high school and her dad -- her dad and  
14 -- Carrie Payne's dad and mother was a victim of a  
15 real bad burglary a couple of years earlier and  
16 they had called and asked me if I could help them,  
17 and I ended up finding everything that was stolen  
18 from their house. So I knew them from there.

19 And then Little League. I mean, I knew  
20 them all from Little League.

21 Q. When you encountered Carrie Gibson, or  
22 Payne, in the garage with the chainsaw, as you  
23 said, at that point, did you realize that this was  
24 a Family Court hearing?

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1       A. I mean, I don't remember when I realized it  
2 was a Family Court hearing. I may have even known  
3 it was a Family Court hearing before I went. I may  
4 have even called EOC. I'm not for sure when I  
5 realized it was a Family Court hearing.

6       Q. Well, you just testified that -- you said  
7 that an officer needs backup at a Family Court  
8 hearing.

9       A. Correct.

10      Q. And you knew that you were traveling to a  
11 residence, not a Family Court.

12      A. Correct.

13      Q. Okay. And you recognize everybody in the  
14 yard.

15      A. Correct.

16      Q. Then, you encountered Carrie Gibson in the  
17 garage.

18      A. Correct.

19      Q. And then you walked inside the house from  
20 the garage.

21      A. Correct.

22      Q. So at what -- what was happening inside  
23 when you walked in the house from the garage? What  
24 did you -- what did you observe?

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1           A. I observed Mr. Gibson. As soon as he seen  
2 me, he come towards me and I calmed him down, and  
3 then I told him to hang out right there until I  
4 came back to talk to him.

5           And then I went over and talked to Judge  
6 Goldston and Officer McPeake, and I just took  
7 charge, because that's -- I mean, that was my job  
8 as a supervisor.

9           I just told McPeake, "Stay right here. I'm  
10 going to go out here and get everyone out that's on  
11 the property that's not part of the case -- or part  
12 of this hearing."

13          Q. Well --

14          A. Then, I did that and then I went back in  
15 and conducted the rest of the hearing with Judge  
16 Goldston.

17          Q. You said Mr. Gibson approached you but I  
18 want to ask you about where everyone else was at  
19 that time.

20           Where was Judge Goldston when you walked  
21 in?

22          A. I call it a foyer but when you go, like, in  
23 the garage, there's a door, and I'm thinking there  
24 was a kitchen. But anyway, you go in and there's

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1 like, on the right, maybe in the living room foyer  
2 -- but her and Kyle - Mr. Lusk - and -- was in  
3 there with Officer McPeake.

4 Q. Doing what?

5 A. Just standing there.

6 Q. They weren't doing anything?

7 A. No. They were just standing there and I'm  
8 assuming they just had given the chainsaw to Carrie  
9 Payne -- Carrie Gibson -- and they was sitting  
10 there discussing whatever with Mr. Gibson, until he  
11 seen me and then he approached me. I guess he  
12 recognized me.

13 Q. Okay. And did you observe any -- any sort  
14 of arguing or anything like that?

15 A. He was -- he was a little angry when he  
16 approached me and I calmed him down.

17 Q. What did he say?

18 A. I don't remember what he said. He just  
19 approached me in an angry manner and I said, "Man,  
20 you need to calm down. You're a little out of  
21 control." And I said, "I'm going to go out here  
22 and tell everyone to leave." And he did not like  
23 it when I told him I was going to get everyone to  
24 leave.

1                   So then, for his sake, I said, "Okay.  
2 Here's what I'll do. I will let one person stay  
3 for you and one person stay for Ms. Gibson to be  
4 your -- to help you with, you know, whatever you  
5 may be getting or whatever, carrying stuff to the  
6 vehicle, but everyone else has to leave," because  
7 it wasn't a safe environment for the judge.

8                   Q. Okay. So you knew, at that point, that the  
9 judge was conducting a hearing inside Mr. Gibson's  
10 house, right?

11                  A. Correct. As soon as I seen her, yeah. I  
12 mean, if I didn't know beforehand, as soon as I  
13 seen her I knew exactly what was going on. Yes.

14                  Q. Okay. And so then you told each party that  
15 they could keep one person there to --

16                  A. At first I said no one. Mr. Gibson became  
17 angry over his girlfriend, so I kind of bent my own  
18 rules and said, "Okay. One person each can stay."

19                   And he wanted his girlfriend to stay and  
20 Carrie Gibson wanted her brother to stay.

21                  Q. Okay. So it was your own rules that  
22 decided that you get to say who Mr. Gibson has on  
23 his property and not him?

24                  A. It's not my rules. It's securing the scene

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1 and making it safe for my judge -- for the judge,  
2 and that's the way I made the scene. In my  
3 opinion, that's the way I secured the scene and  
4 made it safe for the judge. Yes.

5 Q. You weren't working as a bailiff that day,  
6 were you?

7 A. No, but the second I arrived on scene I was  
8 in charge. I've been there for so long, when I'm  
9 on scene I'm usually in charge because, you know --  
10 and I'm not trying to be arrogant but everyone is  
11 -- you know, that works the road, the bailiffs are  
12 usually lower rank. So when I arrive, I'm the one  
13 in charge most of the time.

14 Q. So you were the bailiff now, basically?

15 A. I'm not going to say I was the bailiff but,  
16 from what I seen, I didn't think the scene was  
17 secure so, yes, I took over. Essentially, I was  
18 the bailiff.

19 I'm not going to say I was the bailiff. I  
20 was the one in charge, you know, and that's -- and  
21 I took charge. That's just my personality.  
22 Anytime we was in a hearing or anything, I always  
23 took charge.

24 Q. Okay. So you took charge and, having done

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1 this before when you were a bailiff for Judge  
2 Goldston, you knew that what was taking place was  
3 items of personal property were going to be located  
4 and given to either party?

5 A. Correct. I did know that.

6 Q. Okay. And then you now were presiding over  
7 that process taking place in Mr. Gibson's home.

8 A. No, sir. Judge Goldston is always  
9 presiding. I'm just there to make sure she's safe  
10 and everyone maintains their behavior, but I didn't  
11 preside. She's the one that presides.

12 Q. Okay. And then after that point, after you  
13 took over the scene, as you call it, what happened  
14 next? Did they continue on, or did you continue  
15 on, with locating items and giving them to parties?

16 MR. ROBINSON: Object to the form.

17 You can answer.

18 Q. Well, that's why I asked you what happened  
19 next. After you took over --

20 A. Next after what?

21 Q. After you got there and you took control of  
22 the scene, right? What next happened inside  
23 Mr. Gibson's house?

24 A. I had everyone to leave. That took a few

1 minutes.

2           And then, by that time, I think Corporal  
3 White arrived on scene, and I told him, "Hey, make  
4 sure nobody comes back in here. I don't want  
5 anybody on the property."

6           I went back inside and stood beside the  
7 judge and I think - best I remember - there was a  
8 safe or something that there was some property in,  
9 and Mr. Gibson went with Officer McPeake and got  
10 some property out of the safe and they divided that  
11 property as well.

12           And they just divided the property and then  
13 we left. I left after the judge left. And  
14 Mr. Gibson had a bunch of questions for me and was  
15 asking me some questions but, I mean, I don't  
16 remember what they were.

17           Q. Okay. After you arrived in the house and  
18 you took -- took over for McPeake, you were present  
19 while additional items of personal property were  
20 located inside Mr. Gibson's house?

21           A. Correct.

22           Q. Some of which were then removed from  
23 Mr. Gibson's house.

24           A. Yes, sir. Like the box of DVDs. They held

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1 a box of DVDs up and he'd pick one, then she'd pick  
2 one. He'd pick one, and she'd pick one. So they  
3 just separated the property that was in the court  
4 order.

5 Q. And you were on duty and in uniform at this  
6 time?

7 A. Correct.

8 Q. You had a badge and a gun?

9 A. Correct.

10 Q. Do you know whether or not a search warrant  
11 was ever issued for law enforcement to enter  
12 Mr. Gibson's home against his consent?

13 A. I would -- I've never followed up on that  
14 but when I have a judge there that's conducting a  
15 hearing, that's my -- I would have went in anyway,  
16 without a search warrant.

17 Q. I understand that. To your knowledge,  
18 there was no search warrant on March 4th, 2020  
19 pertaining to Mr. Gibson's house?

20 A. I didn't do a search warrant and none of  
21 the people working with me that day did a search  
22 warrant. But I wasn't searching.

23 Q. But you were helping to locate items?

24 MR. ROBINSON: Object to the form.

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1       A. No. No, I was not. I was there for the  
2 strict safety of the judge. Mrs. Gibson and  
3 Mr. Gibson were locating the items. I didn't  
4 search for nothing. There wasn't -- any of the  
5 deputies didn't search for anything.

6       Q. It was clear to you -- you said Mr. Gibson  
7 didn't appear to be happy. It was clear to you  
8 that he didn't want these people in his house,  
9 wasn't it?

10      A. He never told me that.

11      Q. That's why I asked if it was clear to you,  
12 because he wasn't happy. It was clear to you that  
13 Mr. Gibson wasn't happy about having these people  
14 in his house.

15      A. I didn't know what he wasn't happy about.  
16 I didn't know if he wasn't happy because he was  
17 getting divorced or he had to separate his  
18 property. I had no clue why he wasn't happy. I  
19 just calmed him down and told him to chill.

20           But, no, I didn't know why he wasn't happy.  
21 I wasn't there for all that.

22      Q. Well, you knew that he wasn't happy that  
23 you asked people to leave his property who were --

24      A. It --

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1 Q. Let me finish.

2 A. Sorry.

3 Q. You knew that he was not happy that you had  
4 ordered his guests on his private property to  
5 leave, right?

6 A. Correct. He was yelling and screaming at  
7 the Paynes, telling them to get off his property -  
8 which they weren't on his property - and then his  
9 jail buddies were there, and his girlfriend were  
10 there, and he was not happy when I told them that  
11 they had to leave.

12 But I told him I was also going to make the  
13 Payne family leave. It was just not his party that  
14 was leaving. Everyone was leaving the property for  
15 the judge's safety.

16 Q. So on March 4th, 2020, as a law enforcement  
17 officer, you were telling Mr. Gibson, the property  
18 owner, that his guests have to leave the property,  
19 regardless of whether he wants them to stay or not?

20 A. On March 4th, 2020, I was securing the  
21 scene so my judge would be safe.

22 Q. The scene of a Family Court hearing.

23 A. Correct.

24 Q. It wasn't a crime scene, right?

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1 A. Correct. It was a Family Court hearing.

2 Correct.

3 Q. You still had not received any sort of  
4 allegation or indication that any crime had been  
5 committed by anybody?

6 A. No. I wasn't aware of any crime. No.

7 Q. You weren't aware of any sort of emergency  
8 taking place at the scene?

9 A. Not that I was aware of, no.

10 Q. You weren't aware that there was any sort  
11 of threat to any individual's physical safety at  
12 the scene?

13 A. Yes. I thought there was a physical threat  
14 to my -- to Judge Goldston -- sorry -- Judge  
15 Goldston's safety, and that's why I acted in the  
16 manner that I did. I didn't feel the environment  
17 was conducive to her -- for her safety, so that's  
18 why I cleared the property.

19 Q. That's just because that's not -- you would  
20 have done things differently as a bailiff. That's  
21 not -- that's not because you observed any actual  
22 threat to Judge Goldston's safety.

23 A. That's because there were too many people  
24 there for me to watch and they had no business

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1 being there at that time, when the judge is having  
2 a hearing, and I had them to leave because of the  
3 judge's safety.

4 Q. Okay. You didn't observe any of those  
5 individuals committing any crimes, did you?

6 A. No.

7 Q. You didn't observe any of those individuals  
8 making any threats to anyone's safety, did you?

9 A. No. I didn't give them the opportunity.

10 Q. It's just your policy, as a longtime  
11 bailiff, that you wouldn't put any judge in that  
12 position of even having people around in that  
13 manner.

14 A. No, I would not.

15 Q. Okay. It wasn't based on any actions by  
16 any individuals present that caused the safety  
17 issue.

18 A. Mr. Gibson, where he was irate, I didn't  
19 feel safe with him being in the house with her as  
20 well. So, you know, that's why I stood beside her  
21 until the hearing was over.

22 Q. Okay. But you didn't hear him make any  
23 threats, did you?

24 A. No. With his demeanor, I didn't feel -- I

1 didn't feel it was safe for her to be anywhere in  
2 the house near him, so that's why after they left,  
3 I went inside and stood beside the judge.

4 Q. Okay. She didn't -- Judge Goldston didn't  
5 complain to you that -- about Mr. Gibson's conduct,  
6 did she?

7 A. No. She didn't. And there again, Judge  
8 Goldston and I, when we went to the homes or we was  
9 in the courtroom, she didn't have to tell me  
10 anything because we knew each other so well, she  
11 could just give me a look and I would know what to  
12 do.

13 So when I walked in, I knew that it was an  
14 unsafe environment, and so that's why I secured the  
15 area.

16 Q. Did you take any cellphone footage inside  
17 Mr. Gibson's house?

18 A. I would never do that because that's one of  
19 the No. 1 rules. Only the judge films a Family  
20 Court hearing -- videos a Family Court hearing.

21 Q. Did you observe -- did you observe Bailiff  
22 McPeake taking any footage inside Mr. Gibson's  
23 home?

24 A. No. I didn't observe him because if I did,

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1 I would have took his phone, too.

2 Q. Yet, it's your testimony that you saw  
3 Mr. Gibson and Bailiff McPeake doing something with  
4 Mr. Gibson's safe.

5 A. They were getting something out, and then  
6 they brought a -- I think it was, like, a box or a  
7 tote of DVDs or something.

8 Yeah. The property on the Family Court  
9 order, they were going through that property and  
10 separating it. And I think there was the pictures  
11 there, too. And the chainsaw.

12 Q. About how long were you inside Mr. Gibson's  
13 house?

14 A. I have no idea. I haven't reviewed  
15 anything. I have no idea.

16 Q. Did Mr. Gibson ever ask you to leave his  
17 house?

18 A. Ask me?

19 Q. Yeah.

20 A. No.

21 Q. Okay.

22 A. He didn't ask me to leave.

23 Q. Did you -- did you overhear him asking  
24 anyone else to leave?

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1 A. No. I never heard him ask anyone to leave.

2 Q. Did he ever invite you in?

3 A. No. I went in. I was dispatched, so I  
4 just went in. When I went in, that's where he  
5 looked at me and I guess he seen a familiar face,  
6 and that's when he approached me.

7 Q. So McPeake had called you to the scene for  
8 backup.

9 A. McPeake called 911 EOC for backup. He  
10 didn't call me.

11 Q. All right. Then you were dispatched in  
12 response whenever McPeake asked for help.

13 A. Correct. Someone was dispatched. I don't  
14 know if I was dispatched. Someone -- me or one of  
15 my coworkers were dispatched but I was the closest  
16 there.

17 Q. All right. So, generally, one of the first  
18 things you would do if an officer asked for help  
19 and you arrived at the scene would probably be to  
20 talk to that officer, wouldn't it?

21 A. Well, in a normal situation, but when I  
22 walk in and see the judge, I don't have to ask  
23 because I know what's going on because I've been  
24 there, done that, many, many, many, many times.

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1 Q. So did you talk to McPeake?

2 A. I don't think so, no. Yes, I did. I told  
3 him to stand with the judge and I was going to go  
4 clear out everyone from the property, and I told  
5 him not to leave her side until I got back.

6 Q. Is that the extend of the conversation  
7 between you and McPeake after you got to the scene?

8 A. We may have spoke but -- I'm not saying we  
9 did or we didn't. I don't remember. I know I told  
10 him to stay with the judge while I cleared the  
11 property from the other people. I'm sure we spoke  
12 and talked but I don't recall.

13 Q. Did you ever ask McPeake why he called for  
14 you?

15 A. No. I didn't need to because when I seen  
16 Judge Goldston, I knew why he called for me. When  
17 I went there and seen all those people there, and  
18 Mr. Gibson angry, I knew why I was there.

19 Q. Did McPeake ever tell you why he called for  
20 backup?

21 A. No. I never asked him about it, never  
22 talked to him about it.

23 Q. And you don't recall how much longer after  
24 that that you stayed in the house?

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1 A. I have no idea. I have no idea.  
2 Q. How did the -- how did this hearing end?  
3 A. Once the equitable distribution was  
4 resolved, I walked Judge Staton to her vehicle and  
5 they left, and I waited for Mr. Lusk, Judge  
6 Goldston, and Mrs. Payne and her brother to leave.  
7 And after they left, I was the last one to leave.  
8 Q. Okay. And then after you left, did you do  
9 anything else pertaining to that incident?  
10 A. No. It was what we call non-reportable, so  
11 it was -- I mean, we don't do reports for court  
12 hearings, so I just went on to the next call.  
13 Q. Okay.  
14 A. The next 911 call.  
15 Q. That was my next question. You never  
16 filled out any sort of report following that  
17 incident?  
18 A. No. Per our policy at the Sheriff's  
19 Office, it's non-reportable. There was no crime.  
20 Nothing happened. I was just assisting in a family  
21 court hearing.  
22 Q. And you're still working for the same  
23 employer?  
24 A. Correct. 19 -- going on 19 years.

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1       Q. After this incident, has there been any  
2 sort of change in policy about Sheriff's Department  
3 bailiffs going to the homes of litigants?

4       A. No. My judge -- I'm sorry -- if Judge  
5 Goldston told me today to go to the house, I'd be  
6 the first one there.

7                   Or any judge. Not only Judge Goldston.

8 Any of the judges. Circuit Court, Family Court.

9                   MR. BRYAN: I don't believe I have any  
10 other questions but let me take a quick bathroom  
11 break and, at the same time, let me talk to my  
12 people here.

13                   COURT REPORTER: The time is 1:49 p.m.  
14 We're off the record.

15                   (A short break was taken after which  
16                   the proceedings continued as follows:)

17                   COURT REPORTER: The time is 1:54 p.m.  
18 We're on the record.

19 BY MR. BRYAN:

20       Q. You testified that even though you're an  
21 employee of the Raleigh County Sheriff's Department  
22 and a sworn law enforcement officer that you would  
23 do what the judge tells you to do.

24       A. If I was a bailiff. Correct.

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1       Q. Okay. Let me ask you this: What if the  
2 judge were to tell you to do something that you  
3 thought was against the law?

4       A. I know we're doing -- you have some  
5 propaganda but I can say with 1,000-percent  
6 certainty that none of the judges I ever worked  
7 with would do that.

8       Q. All right. Well, my original line of  
9 questioning was for you to help me understand, you  
10 know, who's in charge.

11       If a judge would tell you to go rob a bank,  
12 would you do it?

13                    MR. ROBINSON: Object to the form.  
14 You can -- you can answer that.

15       A. There again, I've never -- I've worked with  
16 dozens of judges and I've never had a judge to ask  
17 me to break the law and I'm 1,000-percent confident  
18 that I never worked with a judge that ever would  
19 ask me to break the law.

20       So of course I'm not going to break the  
21 law. My job is to uphold the law. But I've never  
22 had a judge to ask me to come remotely to breaking  
23 the law.

24       Q. Well, in the end, I mean, you have a higher

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1 duty other than just listening to the orders of the  
2 judge, right?

3 A. No.

4 Q. And that's to obey the law.

5 A. No. From a bailiff -- yes, of course I've  
6 got to obey the law but, no, my higher duty, if I'm  
7 a bailiff, is the judge and the judge is the higher  
8 authority.

9 If the judge tells me to do something, I'm  
10 doing it and I'm not questioning it.

11 Q. But aren't you a sworn law enforcement  
12 officer first?

13 A. I am.

14 Q. Didn't you take an oath?

15 A. I did.

16 Q. Okay. If the judge tells you to do  
17 something which violates the Constitution, are you  
18 going to do it?

19 A. There again, the fourth time, I know,  
20 without a doubt, no judge that I ever worked for  
21 would ever ask me to violate the law, so I've never  
22 been in that predicament and I can safely say I  
23 never will.

24 No judge is going to tell me to violate the

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1 law.

2 Q. And that's why I said "if". If a judge  
3 told you to violate the law, violate the  
4 Constitution, would you do it?

5 MS. TULLY: Objection. Calls for  
6 speculation.

7 A. If they judge asks me to violate the law  
8 and rob a bank, no, I wouldn't rob the bank. I'd  
9 say, "Judge, I couldn't rob that bank because it's  
10 against the law."

11 So, no, I wouldn't rob the bank if the  
12 judge told me to go rob the bank.

13 Q. Okay. And you said you worked as a bailiff  
14 for Circuit Court judges as well, right?

15 A. Yes.

16 Q. Okay. So you've -- as a police officer for  
17 so many years, you're familiar with the requirement  
18 under the Constitution to obtain -- for law  
19 enforcement to obtain a search warrant prior to  
20 someone's house.

21 MR. ROBINSON: Object to the form.

22 A. Correct.

23 Q. You're familiar with search warrants.

24 A. Correct. My job now is drugs and I do

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1 search warrants all the time.

2 Q. So you're familiar with the -- the Fourth  
3 Amendment's requirement that law enforcement  
4 generally have a search warrant?

5 A. Correct.

6 Q. So if a Circuit Court judge, say in a  
7 criminal case, said, "Deputy Stump, I want you to  
8 go search this criminal defendant's home. Don't  
9 worry about getting a search warrant. Just do it.  
10 We don't need a search warrant," would you do it?

11 A. In my training, the words from a judge - a  
12 Circuit Court judge - is -- and I've heard this on  
13 the record 1,000 times -- just because there's not  
14 a court order, when I speak it it's a court order.

15 So if a judge - Circuit Court judge - on  
16 the record spoke a court order, yes, I would follow  
17 that court order.

18 Q. Okay. And that's what you did,  
19 essentially, when you worked as a bailiff for Judge  
20 Goldston?

21 A. Correct.

22 MR. BRYAN: All right. Thank you. I  
23 don't have any other questions.

24 THE DEPONENT: Thank you.

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1 MR. ROBINSON: I don't have anything.

2 Do you have anything?

3 MS. TULLY: I don't have anything.

4 THE DEPONENT: Thank you.

5 MR. ROBINSON: Read or waive? You  
6 want to waive? Waive the reading of your  
7 deposition?

8 THE DEPONENT: Yes, sir.

9 MR. ROBINSON: Okay. We'll waive.

10 COURT REPORTER: The time is 1:59 p.m.  
11 This concludes the deposition.

12 (Having indicated he would like  
13 to waive reading and signing of  
14 his deposition, further this  
15 deponent saith not.)

16 --oo--

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1 STATE OF WEST VIRGINIA,

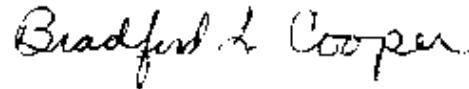
2 COUNTY OF RALEIGH, to wit:

3 I, Bradford L. Cooper, a Notary Public  
4 within and for the County and State aforesaid, duly  
5 commissioned and qualified, do hereby certify that  
6 the foregoing deposition of BOBBY STUMP was duly  
7 taken by me and before me at the time and place and  
8 for the purpose specified in the caption hereof.

9 I do further certify that the said  
10 proceedings were correctly taken by me in shorthand  
11 notes, and that the same were accurately written  
12 out in full and reduced to typewriting by means of  
13 computer-aided transcription.

14 My commission expires May 14, 2023.

15 Given under my hand this 15th day of March,  
16 2022.

17   
18

19 BRADFORD L. COOPER, Notary Public  
20  
21  
22  
23  
24